

REMARKS

Claims 1-18 have been examined. Claims 1-9 and 13-18 have been rejected under 35 U.S.C. § 102(e) and claims 10-12 have been rejected under 35 U.S.C. § 103(a).

I. Rejections under 35 U.S.C. § 102(e) in view of U.S. Patent No. 6,525,790 to Kan-o (“Kan-o”)

The Examiner has rejected claims 1-9 and 13-18 under 35 U.S.C. § 102(e) as allegedly being anticipated by Kan-o.

A. Claim 1

As an initial matter, on page 3 of the Office Action, the Examiner maintains that claim 1 is a product-by-process claim. Applicant respectfully disagrees with the Examiner’s assertion. For example, claim 1 is directed to a display positioning mechanism and the features recited therein are directed to the structure of the mechanism. The recitations are not directed to a “method of production” of the mechanism, as set forth in a product-by-process claim.

Turning to the rejection, Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites that the base is fixed to the first casing body and the positioning portion is provided at the second casing body.

The above features were previously recited in claims 2 and 4, of which Applicant has canceled, without prejudice or disclaimer. In the rejection of claims 2 and 4, the Examiner maintains that casing 1 of Kan-o separately discloses both the first and second casing bodies. In view of the amendment to claim 1, Applicant submits that such rejections are no longer valid

(i.e., the claim requires features at two separate casings). As shown in Figure 1 of Kan-o, the alleged base 40 and the alleged positioning portion 42, 43 are all provided at, or fixed to, the casing 1. There is no teaching or suggestion of providing the alleged positioning portion 42, 43 at the casing 2 of Kan-o. Rather, as set forth in the reference, the casing 2 is merely used to cover the side fixing piece 5, the projection part 44, the screw 6, the upper tab 43, the screw 7 and the boss 11 (col. 10, lines 19-22).

In view of the above, Applicant submits that claim 1 is patentable over the cited reference.

B. Claim 13

Since claim 13 contains features that are analogous to the features recited above for claim 1, Applicant submits that claim 13 is patentable for at least analogous reasons as claim 1.

C. Claims 3, 5-9 and 14-18

Since claims 3, 5-9 and 14-18 are dependent upon one of claims 1 or 13, Applicant submits that such claims are patentable at least by virtue of their dependency.

II. Rejections under 35 U.S.C. § 103(a) in view of Kan-o and U.S. Patent No. 6,665,025 to Lee (“Lee”)

The Examiner has rejected claims 10 and 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kan-o in view of Lee. However, since claims 10 and 12 are dependent upon claim 1, and Lee fails to cure the deficient teachings of Kan-o, in regard to claim 1, Applicant submits that such claims are patentable at least by virtue of their dependency.

III. Rejection under 35 U.S.C. § 103(a) in view of Kan-o, Lee and U.S. Patent No. 6,226,535 to Sun (“Sun”)

The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kan-o, Lee and Sun. However, since claim 11 is dependent upon claim 1, and Lee and Sun fail to cure the deficient teachings of Kan-o, in regard to claim 1, Applicant submits that such claim is patentable at least by virtue of its dependency.

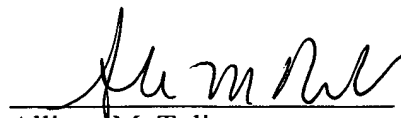
IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
U.S. Application No. 10/769,776

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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